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**OGUNQUIT PLANNING BOARD  
REGULAR BUSINESS MEETING  
MINUTES**

**DUNAWAY CENTER MAIN AUDITORIUM  
NOVEMBER 27, 2017**

**REGULAR BUSINESS MEETING**

**A. ROLL CALL –**

Members Present: Steve Wilkos (Chair)  
Rusty Hayes (Vice Chair)  
Muriel Freedman  
Jackie Bevins  
Mark MacLeod  
Priscilla Botsford (1<sup>st</sup> Alternate)

Also Present: Scott Heyland, Code Enforcement Officer  
Lee Jay Feldman, SMPDC  
Maryann Stacy, Recording Secretary

**B. PLEDGE OF ALLEGIANCE -**

**C. MISSION STATEMENT –** The Mission Statement was read by Mr. MacLeod.

**D. MINUTES –**

**1. November 13, 2017 Workshop (After the Fact Applications).**

**Mr. Hayes Moved to Accept the Minutes of the November 13, 2017 Workshop as Amended.  
HAYES/BEVINS 5:0 UNANIMOUS**

**2. November 13, 2017 Regular Business Meeting.**

**Mr. Hayes Moved to Accept the Minutes of the November 13, 2017 Meeting as Submitted.  
HAYES/BEVINS 5:0 UNANIMOUS**

**3. November 20, 2017 Site Visit.**

**Mr. Hayes Moved to Accept the Minutes of the November 20, 2017 Site Visit as Submitted.  
HAYES/BEVINS 5:0 UNANIMOUS**

**E. PUBLIC INPUT** – For any matter NOT already on this Agenda.

Mr. Wilkos asked if there was anyone who wished to be heard on any matter not on this meeting's agenda. There was no one.

**F. UNFINISHED BUSINESS** –

**1. Renata Moon LLC / Michele Tourangeau – 433 Main Street – Map 14 Block 16 - GBD2. Site Plan and Design Review Application for a pre 1931 structure. Application to construct a new 26'x36' structure attached to existing garage / carriage house. Reduction of guest rooms to nine (9).**

Tracy Charpentier addressed the Board on the Applicant's behalf. Mr. Charpentier confirmed that there have been no changes to the plan since the November 20, 2017 Site Visit.

Mr. Wilkos confirmed that the application had been tabled at the last meeting. This was done pending action on two waiver requests:

- 6.6.C.3.H Existing & Proposed: Two-Foot contours.
- 6.6.C.3.Y Stormwater Management Plan.

The Planning Board visited the Site on November 20<sup>th</sup>.

Mr. Feldman confirmed that the Board visited the site to determine whether or not it needed the topographical information regarding the direction of stormwater runoff. He noted that the two requested waiver items are connected to this question.

Mr. Feldman also noted that the submitted site plan includes some areas which are unclear, and which will change from pervious (areas which will absorb water) to impervious (areas where water will sheet flow off the site, and not be absorbed directly into the ground). Without the submittal of Item 6.6.C.3.H Existing & Proposed: Two-Foot contours it is unclear where this water will flow.

Mr. Feldman referred to Article 6.6.C.3.Y which requires submission of: *“A storm water management plan, prepared by a registered professional engineer in accordance with the Maine Stormwater Best Management Practices Manual, published by the Maine Department of Environmental Protection (2006). The Board may waive submission of the storm water management plan if the proposed site work will not involve grading which changes drainage patterns, and if the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the site.”*

Mr. Feldman noted that the applicant has not provided calculations to show whether the proposed project is under that 5%. He suggested the calculations are needed to indicate how

much of the property will become impervious. He also reminded the Board that until they take an action on the two waiver requests they can not find the application complete.

Mr. Wilkos asked for a summary of Mr. Feldman's concerns.

Mr. Feldman responded that without a topographic map of the property, even though the site is somewhat flat, there is a question of where stormwater will run. If the project adds several hundred feet of impervious surface area there is a concern as to where the stormwater will run when it leaves the property. He noted that there is a drainage swale and a "clay pipe" noted on the site plan but both are unclear as to where they are located and how they are constructed.

Mr. Feldman reminded the Board that if the Applicant is adding less than 5% impervious surface the Board may waive the submission requirements noted above, however if the Applicant is adding more than 5% impervious surface there is no language in the Ordinance which allows the Board to grant the requested waivers. Thus, this is an important calculation which needs to be provided by the Applicant.

Mr. Charpentier responded that he had not done those calculations. He added that there has never been a problem with water runoff from that property.

Mr. MacLeod gave the Board some rough calculations which seem to indicate that the proposed project will be very close to the 5%; not including any new pavement.

Mr. Heyland added that some of the new structure will be over existing improved surfaces.

Mr. Feldman suggested the Board require an official calculation, prepared by an engineer or the Applicant's contractor, rather than using rough calculations.

Mr. Charpentier noted that they are considering using a pervious asphalt. He will speak with the engineer about this product which allows water to pass through it.

Mr. Feldman agreed that pervious asphalt is a good product, however any porous pavement which is sanded and paved becomes clogged. He added that the Ordinance also requires compliance with the Maine Stormwater Best Management Practices; and DEP does not necessarily accept pervious pavement for low impact development standards. He would need to refer to the DEP 2006 Standards.

Mr. MacLeod asked about the Fire Chief's November 13, 2017 Memo indicating an open question as to whether or not the house will need a sprinkler system.

Mr. Heyland reviewed the Fire Chief's November 13, 2017 Memo to the Board, which states that the new structure will need to have a sprinkler system. The open question is whether or not that requirement extends into the existing structure; however it is clear that the Ogunquit Fire Chief wants the existing structure to be sprinkled. This brings up another question regarding whether or not the infrastructure of the water and sewer information need to be further identified on the Site Plan.

Mr. MacLeod noted that the Applicant may need an increase in the size of the water line, or the addition of a second line.

Mr. Wilkos asked about Note #7 on the Site Plan dated October 23, 2017 which seems to indicate no change between the pre and post construction.

Mr. Charpentier responded that he did not have the most current plan with him; however the calculation would be 15.9%.

Mr. Heyland agreed that the total post construction site condition will include 18.3% of coverage.

Mr. Hayes asked for a summary of the things which the Applicants will need to provide when they come back before the Board.

Mr. Feldman responded:

Current location of water and sewer lines and any additions/increase which may be required. He noted that there will have to be a “domestic line” and a “sprinkler line” and the Board should know where these lines are going into the building; and where they are coming from off of the street.

The Board will need to determine whether or not it is going grant the requested submission waivers for:

- 6.6.C.3.H Existing & Proposed: Two-Foot contours.
- 6.6.C.3.Y Stormwater Management Plan.

If the Board does not grant the waivers the Applicant will have to provide the above-noted information.

The Applicant also needs to provide the calculations regarding the 5% impervious surface increase. This will determine whether or not the Board can grant the waiver requests.

Mr. Hayes asked if the Board should also require a cross section of the clay pipe and drainage swale so the members can see how they work.

Mr. Feldman responded that the Board hasn't found the application complete yet; and it can still ask for any additional information it needs.

Ms. Freedman asked for a notation to be included on the final plan which will clearly indicate how many guest units will be located in each building; and confirmation that there will be a maximum total of nine (9) guest units.

Mr. MacLeod noted that the only area of the property which will require contour change is where the ledge will need to be removed in the parking area. He did not see any need for a Topographic Map.

Ms. Freedman agreed.

Ms. Botsford stated that she would agree as long as the 5% calculations are provided.

Mr. Hayes wanted to see the 2' contours so he can better understand where water will run. He agreed that there is no current problem, however with the addition of another building, and more pavement, this may change.

The Board members agreed that if they are going to require the submission of Item 6.6.C.3.Y Stormwater Management Plan, then they should also require the submission of Item 6.6.C.3.H Existing & Proposed: Two-Foot contours.

Mr. Feldman reminded the Board that they need confirmation of the 5% increase. If the increase in the impervious surface is more than 5% then they cannot waive the stormwater plan submission prepared by a registered engineer. This would include the 2' contour map.

Mr. Feldman suggested the Board table the application so the applicant can do the impervious surface increase calculations. If it turns out it is over 5% he knows he has to provide the Stormwater Plan. If it turns out to be under 5% he can come back and renew his request for the waivers of:

- 6.6.C.3.H Existing & Proposed: Two-Foot contours.
- 6.6.C.3.Y Stormwater Management Plan.

Mr. Wilkos agreed that the Board should not act on the waivers until they have confirmation about the 5% impervious surface increase.

Mr. Charpentier expressed exasperation that he wasn't informed earlier in the process about the 5%.

Mr. Feldman responded that it is the Applicant's responsibility to read the Ordinance and know what needs to be provided.

Mr. Heyland added that the waiver requests go back to the original application which did not include a new building.

Mr. MacLeod asked if the existing water supply takes into consideration the new sprinkler system.

Mr. Charpentier responded that they currently have a 1" service line embedded in the lawn. He will have to submit the plan to Eastern Fire Protection for review. The original plan required a 2" pipe however the original plan was for a much larger building than that which is currently proposed.

Mr. MacLeod also asked for confirmation that the height of the proposed structure will not exceed the 35' maximum.

Mr. Charpentier agreed that it will not.

Mr. Wilkos noted that it appears as if the application will be tabled; and he asked Mr. Heyland and Mr. Feldman to inform the Applicant what he needs to submit.

Mr. Feldman responded that they need to provide the calculations for the increase in impervious surface and show whether or not it will exceed 5%.

If it exceeds 5% the applicant will have to provide a 2' Contour Map and Stormwater Management plan as indicated in Article 6.6.C.3.H Existing & Proposed: Two-Foot contours and Article 6.6.C.3.Y Stormwater Management Plan.

If the calculations do not indicate an increase in excess of 5% the applicant may come back with a renewed request for those two submission waivers.

The Board has also asked for additional information regarding the water lines' size and location, as well as a crosscut of the noted clay pipe and drainage swale.

Mr. Charpentier asked: if he comes back to the Board and informs them that he intends to use pervious pavement will the Board allow it?

Mr. Feldman responded that he will review the DEP 2006 Code to see how they treat pervious pavement. There was a time when DEP was in favor of pervious pavement; they have since seemed to lean the other way. Mr. Feldman confirmed that the Ogunquit Ordinance uses the 2006 DEP Code. He agreed to review it and added that Mr. Charpentier may do so as well.

Mr. Heyland expressed concern that the applicant may plan to use pervious pavement and use that to produce calculations which fall under the 5%. If he does so the Board might still deny the waiver requests which will hold the project up even further.

Mr. Charpentier responded that he intends to produce:

- 6.6.C.3.H Existing & Proposed: Two-Foot contours and
- 6.6.C.3.Y Stormwater Management Plan.

As well as a site plan indicating placement of sewer and water lines, per the Board's request.

Mr. Charpentier stated that it is not in the Applicant's best interest to waste any more time. He will provide an updated plan with the things the Board has asked for; as well as the Topo Map and Stormwater Management Plan.

Ms. Bevins asked about the sprinkler system.

Mr. Heyland responded that the Ogunquit Fire Chief has stated that the new building will require a sprinkler system. Any State Fire Marshall Permits will be dealt with by the Code Enforcement Office, separate from the Planning Board. The Board will need to consider the size of the water line which may need to be upsized to handle whatever will be required.

Ms. Freedman asked about the main building.

Mr. Heyland responded that the sprinkler system in the main building is something the State Fire Marshall's Office handles through the Code Enforcement Office. The Planning Board is only considering the new structure.

**Mr. MacLeod Moved to Table the Application for Renata Moon LLC / Michele Tourangeau – 433 Main Street – Map 14 Block 16 - GBD2 Site Plan and Design Review Application.**

**MACLEOD/HAYES 5:0 UNANIMOUS**

**G. NEW BUSINESS – None**

**H. CODE ENFORCEMENT OFFICER BUSINESS –**

Mr. Heyland stated that there was no Code Endorsement Officer Business.

**I. OTHER BUSINESS –**

Mr. Heyland agreed to bring proposed language to the Board regarding the After the Fact Workshop, at the next meeting.

**J. ADJOURNMENT –**

**Mr. Hayes Moved to Adjourn at 6:50 p.m.  
HAYES/BEVINS 5:0 UNANIMOUS**

Respectfully Submitted

*Maryann L. Stacy*

Maryann Stacy  
Town of Ogunquit  
Planning Board  
Recording Secretary

*Approved on January 22, 2018*